

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS**

**Call to Order:** By **VICE CHAIRMAN HARRY KLOCK**, on April 2, 2007 at 3:30 P.M., in Room 172 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Alan Olson, Chairman (R)  
Rep. George G. Groesbeck, Vice Chairman (D)  
Rep. Harry Klock, Vice Chairman (R)  
Rep. Scott Boggio (R)  
Rep. Robyn Driscoll (D)  
Rep. Dave Gallik (D)  
Rep. Dennis Himmelberger (R)  
Rep. Llew Jones (R)  
Rep. Diane Rice (R)  
Rep. Wayne Stahl (R)  
Rep. Bill Thomas (D)  
Rep. Jonathan Windy Boy (D)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Todd Everts, Legislative Branch  
Cindy Peterson, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: HB 849, 3/30/2007; SB 407,  
3/30/2007; SB 461, 3/30/2007  
Executive Action: HB 849, SB 391, SB 423, SB 461, SB  
407

**HEARING ON HB 849**

**Opening Statement by Sponsor:**

00:00:29 Rep. Rick Ripley (R), HD 17, opened the hearing on HB  
849, revise environmental laws.

[EXHIBIT\(feh70a01\)](#)

**Proponents' Testimony:**

00:02:39 Leo Berry, self

[EXHIBIT\(feh70a02\)](#)

**Opponents' Testimony:**

00:12:28 Wil Hammerquist, Governor's Office

**Informational Testimony:**

00:15:44 Richard Oppen, Director, Department of Environmental  
Quality (DEQ)

00:15:58 Mary Sexton, Director, Department of Natural Resources  
and Conservation (DNRC)

**Questions from Committee Members and Responses:**

00:16:10 Rep. Windy Boy  
00:16:48 Mr. Berry  
00:17:04 Rep. Windy Boy  
00:17:19 Mr. Berry  
00:17:51 Rep. Windy Boy  
00:18:02 Director Oppen  
00:18:25 Rep. Windy Boy  
00:18:44 Director Oppen  
00:19:07 Rep. Windy Boy  
00:19:31 Mr. Hammerquist  
00:19:44 Director Oppen  
00:21:26 Rep. Windy Boy  
00:21:33 Rep. Ripley  
00:21:49 Rep. Gallik  
00:22:11 Director Sexton  
00:22:19 Rep. Gallik  
00:22:37 Director Sexton  
00:22:47 Rep. Gallik  
00:23:04 Director Sexton  
00:23:26 Rep. Gallik  
00:23:42 Director Sexton  
00:24:03 Rep. Gallik

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00:24:10 Director Sexton  
00:24:20 Rep. Gallik  
00:24:36 Rep. Ripley  
00:25:19 Rep. Gallik  
00:25:35 Rep. Ripley  
00:26:05 Rep. Gallik  
00:26:41 Rep. Ripley  
00:26:55 Rep. Gallik  
00:27:02 Rep. Ripley  
00:27:13 Rep. Gallik  
00:28:12 Rep. Ripley  
00:28:33 Rep. Gallik  
00:28:46 Director Oppen  
00:29:12 Rep. Gallik  
00:29:23 Director Oppen  
00:29:38 Rep. Gallik  
00:29:54 Director Sexton  
00:30:10 Rep. Groesbeck  
00:31:06 Director Oppen  
00:31:26 Rep. Groesbeck  
00:31:40 Director Oppen  
00:32:00 Rep. Groesbeck  
00:32:35 Director Oppen  
00:33:09 Rep. Groesbeck  
00:33:29 Rep. Ripley  
00:33:46 Rep. Groesbeck  
00:34:30 Rep. Ripley  
00:35:30 Rep. Stahl  
00:35:55 Rep. Olson  
00:36:57 Director Oppen  
00:38:16 Rep. Olson  
00:38:19 Director Oppen  
00:38:57 Rep. Olson  
00:39:23 Director Oppen  
00:39:36 Rep. Olson  
00:39:43 Director Oppen

**Closing by Sponsor:**

00:41:40 Rep. Ripley

**EXECUTIVE ACTION ON HB 849**

00:43:32 **Motion:** Rep. Rice moved that HB 849 **DO PASS.**

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**Discussion:**

00:43:46 Rep. Groesbeck

00:44:44 Rep. Olson

00:45:16 **Substitute Motion:** Rep. Gallik moved that HB 849 **BE  
TABLED.**

**Discussion:**

00:45:33 Rep. Gallik

00:45:47 Rep. Olson

00:45:52 Rep. Gallik

00:46:27 **Vote:** Motion failed 5-7 with Rep. Driscoll, Rep.  
Gallik, Rep. Groesbeck, Rep. Thomas, and Rep. Windy Boy  
voting aye.

**Discussion:**

00:47:26 Rep. Windy Boy

00:48:18 Rep. Olson

00:48:59 Rep. Gallik

00:50:42 Rep. Olson

00:50:52 Rep. Groesbeck

00:53:16 **Vote:** Motion failed 5-7 by roll call vote with Rep.  
Boggio, Rep. Jones, Rep. Klock, Rep. Rice, and Rep.  
Stahl voting aye.

00:54:18 **Motion/Vote:** Rep. Klock moved that HB 849 **BE TABLED  
AND THE VOTE REVERSED.** Motion carried 11-1 by voice  
vote with Rep. Stahl voting no.

**HEARING ON SB 407**

**Opening Statement by Sponsor:**

00:55:23 Sen. Keith Bales (R), SD 20, opened the hearing on SB  
407, authorizing emergency discharges of coal bed  
methane water.

**EXHIBIT** (feh70a03)

**Proponents' Testimony:**

01:02:35 Mark Moreland, Decker, Montana  
01:05:55 Gordon Decker, Belgrade, and a ranch owner in  
southeastern Montana

**EXHIBIT (feh70a04)**

01:13:26 Steve Pilcher, Montana Stockgrowers' Association  
01:15:28 Megan Brower, Montana Farm Bureau  
01:16:15 Gary Forrester, Fidelity Exploration  
01:18:00 Bob Gilbert, Rosebud County and representing Willie  
Duffield, Montana Association of Oil and Gas Counties  
01:19:36 Charles Brooks, Billings Area Chamber of Commerce  
01:21:14 Tom Ebzery, Nance Petroleum

**Opponents' Testimony:**

01:21:39 Roger Mugli, Manager of the Tongue Yellowstone  
Irrigation District  
01:26:08 Ray Mugli, Chairman, Northern Plains Coal Bed Methane  
Task Force  
01:31:45 Brenda Lindlief-Hall, Tongue River Water Users'  
Association

**EXHIBIT (feh70a05)**

01:38:49 Ana Peterson, Montana Environmental Information Center  
01:43:24 Molly Immen, Montana Audubon and American Fisheries

**Informational Testimony:**

01:44:04 Bonnie Lovelace, Department of Environmental Quality

**Questions from Committee Members and Responses:**

01:44:27 Rep. Driscoll  
01:44:48 Mr. Forrester  
01:45:31 Rep. Driscoll  
01:45:35 Mr. Forrester  
01:45:44 Rep. Groesbeck  
01:46:00 Mr. Forrester  
01:46:26 Rep. Groesbeck  
01:46:40 Mr. Forrester  
01:47:30 Rep. Groesbeck  
01:47:47 Mr. Forrester  
01:48:22 Rep. Groesbeck  
01:49:27 Mr. Forrester  
01:50:02 Rep. Groesbeck  
01:51:14 Sen. Bales  
01:51:56 Rep. Groesbeck  
01:52:29 Sen. Bales

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01:53:01 Rep. Groesbeck  
01:53:39 Sen. Bales  
01:54:23 Rep. Gallik  
01:55:10 Ms. Lovelace  
01:55:58 Rep. Gallik  
01:56:28 Ms. Lovelace  
01:57:32 Rep. Gallik  
01:57:49 Ms. Lovelace  
01:57:54 Rep. Gallik  
01:58:21 Ms. Lovelace  
01:58:33 Rep. Gallik  
01:59:00 Ms. Lovelace

02:03:00 Recess  
02:31:15 Reconvene

**Questions from Committee (Cont'd)**

02:32:28 Rep. Stahl  
02:33:00 George Mathieus, DEQ  
02:33:11 Rep. Stahl  
02:33:23 Mr. Mathieus  
02:33:53 Rep. Stahl  
02:34:06 Mr. Mathieus  
02:34:36 Rep. Stahl  
02:34:54 Mr. Mathieus  
02:35:03 Rep. Stahl  
02:35:12 Mr. Mathieus

**EXECUTIVE ACTION ON SB 391**

02:40:31 **Motion:** Rep. Windy Boy moved that SB 391 **BE CONCURRED IN.**

02:40:43 **Motion:** Rep. Stahl moved that SB 391 **BE AMENDED.**  
**EXHIBIT**(feh70a06)

**Discussion:**

02:42:12 Rep. Stahl  
02:43:06 Rep. Jones  
02:43:50 Rep. Groesbeck  
02:44:56 Rep. Stahl  
02:45:31 Rep. Windy Boy  
02:45:34 Mr. Everts  
02:45:47 Rep. Jones

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02:46:11 Mr. Everts  
02:46:29 Rep. Windy Boy

**HEARING ON SB 407 (Cont'd)**

**Closing by Sponsor:**

02:47:33 Sen. Bales

**HEARING ON SB 461**

**Opening Statement by Sponsor:**

02:53:30 Sen. Keith Bales (R), SD 20, opened the hearing on SB 461, generally revise laws pertaining to mining of coal.

**Proponents' Testimony:** None

**Opponents' Testimony:** None

**Informational Testimony:**

02:56:26 Neil Harrington, DEQ

**Questions from Committee Members and Responses:**

02:56:43 Rep. Windy Boy  
02:57:18 Mr. Harrington  
02:57:30 Rep. Olson  
02:58:26 Mr. Harrington

**Closing by Sponsor:**

02:58:39 Sen. Bales

**EXECUTIVE ACTION ON SB 461**

02:59:30 **Motion/Vote:** Rep. Groesbeck moved that SB 461 **BE CONCURRED IN**. Motion carried unanimously by voice vote. Rep. Driscoll, Rep. Gallik, and Rep. Rice voted by proxy. Rep. Olson will carry SB 461 on the floor of the House.

**EXECUTIVE ACTION ON SB 391 (Cont'd)**

03:00:47 Mr. Everts

03:01:32 **Vote:** Motion carried unanimously by voice vote. Rep. Gallik, Rep. Driscoll, and Rep. Rice voted by proxy.

03:02:07 **Motion:** Rep. Stahl moved that SB 391 **BE CONCURRED IN AS AMENDED.**

03:02:18 **Motion:** Rep. Groesbeck moved that SB 391 **BE AMENDED.**  
**EXHIBIT**(feh70a07)

**Discussion:**

03:03:05 Rep. Groesbeck

03:03:41 Rep. Olson

03:03:48 Rep. Groesbeck

03:04:01 Janet Ellis, Montana Audubon

03:04:33 **Vote:** Motion carried unanimously by voice vote. Rep. Driscoll, Rep. Gallik, and Rep. Rice voted by proxy.

03:04:57 **Motion:** Rep. Himmelberger moved that SB 391 **BE CONCURRED IN AS AMENDED.**

03:05:08 **Motion/Vote:** Rep. Olson moved that SB 391 **BE AMENDED.**  
Motion carried unanimously by voice vote. Rep. Driscoll, Rep. Gallik, and Rep. Rice voted by proxy.  
**EXHIBIT**(feh70a08)

03:06:22 **Motion:** Rep. Olson moved that SB 391 **BE CONCURRED IN AS AMENDED.**

**Discussion:**

03:06:31 Rep. Jones

03:07:21 Rep. Olson

03:07:49 **Substitute Motion/Vote:** Rep. Himmelberger made a substitute motion that SB 391 **BE TABLED.** Substitute motion carried 7-5 by roll call vote with Rep. Driscoll, Rep. Gallik, Rep. Groesbeck, Rep. Thomas, and Rep. Windy Boy voting no. Rep. Driscoll, Rep. Gallik, and Rep. Rice voted by proxy.



**EXECUTIVE ACTION ON SB 423**

03:09:21 **Motion:** Rep. Windy Boy moved that SB 423 **BE CONCURRED IN.**

**Discussion:**

3:09:41 Rep. Thomas

03:10:12 **Motion:** Rep. Olson moved that SB 423 **BE AMENDED.**  
**EXHIBIT** (feh70a09)

**Discussion:**

03:10:44 Mr. Everts

03:12:47 Rep. Groesbeck

03:13:22 **Vote:** Motion carried unanimously by voice vote. Rep. Driscoll, Rep. Gallik, and Rep. Rice voted by proxy.

03:14:04 **Motion:** Rep. Himmelberger moved that SB 423 **BE CONCURRED IN AS AMENDED.**

**Discussion:**

03:14:31 Rep. Olson

03:15:38 **Substitute Motion/Vote:** Rep. Boggio made a substitute motion that SB 423 **BE TABLED.** Motion carried 7-5 by roll call vote with Rep. Driscoll, Rep. Gallik, Rep. Groesbeck, Rep. Thomas, and Rep. Windy Boy voting no. Rep. Driscoll, Rep. Gallik, and Rep. Rice voted by proxy.

**EXECUTIVE ACTION ON SB 407**

03:17:23 **Motion:** Rep. Klock moved that SB 407 **BE CONCURRED IN.**

**Discussion:**

03:17:53 Rep. Klock

03:18:04 Rep. Olson

03:18:57 Rep. Stahl

03:19:38 Mr. Everts

03:20:57 Rep. Windy Boy

03:22:11 Mr. Everts

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03:23:40 **Vote:** Motion carried 7-5 by roll call vote with Rep. Driscoll, Rep. Gallik, Rep. Groesbeck, Rep. Thomas, and Rep. Windy Boy voting no. Rep. Klock, Rep. Driscoll, Rep. Gallik and Rep. Rice voted by proxy. Rep. Jones will carry SB 407 on the floor of the House.

**Additional Exhibits:**

E-mail from Michelle Frodey-Hutchins dated April 3, 2007

**EXHIBIT** (feh70a10)

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**ADJOURNMENT**

03:28:09 Adjournment: 7:02 P.M.

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REP. ALAN OLSON, Chairman

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CINDY PETERSON, Secretary

AO/cp

Additional Exhibits:

**EXHIBIT ([feh70aad.pdf](#))**